

**REGULAR MEETING OF THE TOWN BOARD OF THE TOWN OF
NEW HARTFORD, HELD AT THE MUNICIPAL BUILDING,
8635 CLINTON STREET, NEW HARTFORD, NEW YORK, ON
WEDNESDAY, MARCH 4, 2020, AT 6:00 P.M.**

Town Supervisor Miscione called the meeting to order at 6:00 P.M. and led those in attendance in the Pledge of Allegiance to the American Flag. The roll was then taken with the following Town Officials and Department Heads being present during the progress of the meeting.

TOWN BOARD MEMBERS PRESENT:

Councilman Richard M. Lenart
Councilman David M. Reynolds
Councilman Richard B. Woodland, Jr.
Supervisor Paul A. Miscione

ABSENT:

Councilman James J. Messa

OTHER TOWN OFFICIALS/EMPLOYEES PRESENT:

Codes Enforcement Officer Lawrence Gell
Highway/Sewer Superintendent Richard C. Sherman
Highway Foreman Chris Moran
Director of Personnel Barbara Schwenzfeier
Town Attorney Herbert J. Cully
Town Clerk Gail Wolanin Young
Deputy Town Clerk I Melody K. Fancett

Thereafter, a quorum was declared present for the transaction of business.

PUBLIC PRESENTATIONS/COMMENTS:

The Town Supervisor invited anyone present who wished to address the Town Board to come forth at this time.

ATM Machine-New Town Hall – Attorney Cully expressed concerns for the Town’s responsibility & liability portion and wants the Town’s Contract with the vendor to name the Town as an “additional insured” on their insurance policy. Councilman Reynolds explained the difference in the two vendors who submitted bids and suggested the Town goes with the lower bids because of the businesses he supplies.

Councilman Reynolds introduced the following Resolution for adoption; seconded by Councilman Lenart:

(RESOLUTION NO. 74 OF 2020)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the quote of J.R. ATM Solutions, subject to the written contract to be prepared by Town

Attorney Cully and signed by the vendor and the vendor name the Town as an additional insured on his policy for the ATM machine to be installed in the Municipal Building.

Upon roll call, the Board members voted as follows:

Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Councilman Messa	-	ABSENT
Supervisor Miscione	-	Aye.

The Resolution was declared unanimously carried and duly **ADOPTED**.

2019 Town Audit Engagement Letter:

Councilman Lenart introduced the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 75 OF 2020)

RESOLVED that the New Hartford Town Board does hereby authorize Supervisor Miscione to sign the engagement letter from Drescher & Malecki LLP, 3083 William Street, Suite 5, Buffalo, NY 14227 with regards to the Town Audit for the fiscal year of 2019 with an estimated cost not to exceed \$21,665.00 pending a contract that is forthcoming.

Upon roll call, the Board members voted as follows:

Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Councilman Messa	-	ABSENT
Supervisor Miscione	-	Aye.

The Resolution was declared unanimously carried and duly **ADOPTED**.

Special Metals' Town and County Tax Payment 2020:

Councilman Woodland introduced the following Resolution for adoption; seconded by Councilman Lenart:

(RESOLUTION NO. 76 OF 2020)

RESOLVED that, due to an internal mistake by the bank for Special Metals Corporation (JP Morgan Chase) with the printing of the billing address on their 2020 Town and County tax bill which resulted in their payment being returned to them unprocessed the Town Board authorized the waiving of the \$183.04 penalty because the envelope was postmarked January 10, 2020 and also directed the Town Clerk to process the payment as a January 2020 payment with no penalty.

Upon roll call, the Board members voted as follows:

Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Councilman Messa	-	ABSENT
Supervisor Miscione	-	Aye.

The Resolution was declared unanimously carried and duly **ADOPTED**.

Agreement-2020 Polling Sites:

Councilman Reynolds introduced the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 77 OF 2020)

RESOLVED that the New Hartford Town Board does hereby authorize Supervisor Miscione to sign the 2020 Polling Sites Agreement with Oneida County Department of Law, 800 Park Ave, Utica, NY 13501 and through its Board of Elections for the term of March 1, 2020 through December 31, 2020; and be it

FURTHER RESOLVED that Oneida County agrees to pay the Town of New Hartford rent for this agreement in the amount of \$100.00 per day of each of the Early Voting periods, for a total of \$2,700.00.

Upon roll call, the Board members voted as follows:

Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Councilman Messa	-	ABSENT
Supervisor Miscione	-	Aye.

The Resolution was declared unanimously carried and duly **ADOPTED**.

National Grid Street Lighting Refund:

Councilman Reynolds introduced the following Resolution for adoption; seconded by Councilman Lenart:

(RESOLUTION NO. 78 OF 2020)

WHEREAS, Troy & Banks confirmed that the Town of New Hartford has received a refund credit from National Grid (NG) in the amount of \$2,531.69 for past billing errors and

overcharges of street lighting equipment based upon audit of SC2Master Account #55752-93109;

BE IT RESOLVED that the New Hartford Town Board does hereby approve the payment of \$664.72 to Troy & Banks, Utility & Telecommunication Consultants, 2216 Kensington Ave., Buffalo, NY 14226 as per the agreed upon contract for their fee in getting the Town the Street Lighting refund.

Upon roll call, the Board members voted as follows:

Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Councilman Messa	-	ABSENT
Supervisor Miscione	-	Aye.

The Resolution was declared unanimously carried and duly **ADOPTED**.

Appointment-Library:

Councilman Reynolds introduced the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 79 OF 2020)

RESOLVED that the New Hartford Town Board does hereby re-appoint Marlene Anderson to a five-year term as a member of the New Hartford Library Board of Trustees retroactive to January 1, 2020 and expiring December 31, 2024.

Upon roll call, the Board members voted as follows:

Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Councilman Messa	-	ABSENT
Supervisor Miscione	-	Aye.

The Resolution was declared unanimously carried and duly **ADOPTED**.

Standard Work Day for Employees (RS2418):

Councilman Woodland introduced the following Resolution for adoption; seconded by Councilman Lenart:

(RESOLUTION NO. 80 OF 2020)

RESOLVED that the New Hartford Town Board does hereby establish the following as standard work days for its employees and will report days worked to the New York State Local Employees' Retirement System based on the time keeping system or the record of activities maintained and submitted by these members to the clerk of this body:

Cleaner	7.00 Hours
Court Attendant	7.00 Hours
Clerk (Senior Center & Court	7.00 Hours
Food Service Helper	7.00 Hours
Meal Site Manager	7.00 Hours
Office Specialist I	7.00 Hours
Recreation Attendant	7.00 Hours
School Traffic Officers	8.00 Hours.

The Town Board voted upon roll call as follows:

Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Councilman Messa	-	ABSENT
Supervisor Miscione	-	Aye.

The Resolution was declared unanimously carried and duly ADOPTED.

Standard Work Day and Reporting Resolution for Elected and Appointed Officials (RS 2419 –A):

Councilman Woodland moved the adoption of the following Resolution; seconded by Councilman Lenart:

(RESOLUTION NO. 81 OF 2020)

BE IT RESOLVED that the Town of New Hartford hereby established the following standard work day for Councilman Reynolds and will report the officials to the New York State Retirement days worked to the New York State and Local Retirement based on their record of activities (ROA)

Standard Work Day (Elected) – 6 hours
Record of Activities Result – 7.223 (Recertification)

Upon roll call, the Board members voted as follows:

Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Councilman Messa	-	ABSENT
Supervisor Miscione	-	Aye

The Resolution was declared unanimously carried and duly **ADOPTED**.

Teamsters Union Agreement:

Director of Personnel Barbara Schwenzfeier reviewed the renewal agreement for the Teamsters Union; thereafter, Councilman Lenart offered the following Resolution for adoption, seconded by Councilman Reynolds:

(RESOLUTION NO. 82 OF 2020)

RESOLVED, that the New Hartford Town Board does hereby approve the renewal Agreement between the Town of New Hartford and the Teamsters Union Health Insurance Fund (Highway) for three (3) years, and does hereby authorize the Town Supervisor to execute said agreement.

The Board voted upon roll call:

Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Councilman Messa	-	ABSENT
Supervisor Miscione	-	Aye.

The Resolution was declared unanimously carried and duly ADOPTED.

Envirothon 2020:

Councilman Lenart introduced the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 83 OF 2020)

RESOLVED that the New Hartford Town Board does hereby authorize the Oneida County Soil & Water Conservation District to hold their Envirothon 2020 at the Sherrill Brook Park in the Spring of 2020 (dates pending) with the use of multiple buildings, gazebos and pavilion.

Upon roll call, the Board members voted as follows:

Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Councilman Messa	-	ABSENT
Supervisor Miscione	-	Aye.

The Resolution was declared unanimously carried and duly **ADOPTED**.

**Community Assistance Visit-NYS Department of Environmental Conservation
Flood Plain Management Ordinances Meeting:**

The New Hartford Town Supervisor informed the Town Board that he is meeting with the NYS Department of Environmental Conservation regarding the Flood Plain Management Ordinances on April 28, 2020 at 10:00 A.M. in the New Hartford Town Hall.

Audit of Vouchers

Councilman Woodland presented the following Resolution for adoption; seconded by Councilman Lenart:

(RESOLUTION NO. 84 OF 2020)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the payment of the bills itemized on the following Abstracts, which had been duly audited by the Town Board:

RECORD OF CLAIMS #1

#'S 2717

HEV600 \$ 19,117.88

TOTAL RECORD OF CLAIMS TOTAL #1 \$ 19,117.88

RECORD OF CLAIMS #2

#'S 2718-2730

A600 \$ 44,186.34

B600 \$ 6,069.88

BP600 \$ 42,649.77

SF600 \$ 4,856.82

SS600 \$ 1,787.42

TA600 \$ 15,902.47

TOTAL RECORD OF CLAIMS TOTAL #2 \$115,452.70

RECORD OF CLAIMS #3

#'S 2731-2755

A600 \$ 13,858.85

B600 \$ 395.82

BP600 \$ 4,811.99

DB600 \$ 94,264.49

HEP600 \$ 5,625.00

SL600 \$ 9,546.57

SS600 \$ 30,754.50

TA600 \$ 964.82

TOTAL RECORD OF CLAIMS TOTAL #3 \$160,224.04

TOTAL RECORD OF CLAIMS 1-3 \$294,794.62

The Resolution was voted upon by roll call as follows:

Councilman Messa	-	ABSENT
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

The Supervisor declared the Resolution unanimously carried and duly **ADOPTED**.

MINUTES:

January 2, 2020 Town Board minutes

January 8, 2020 Town Board minutes

Councilman Reynolds introduced the following Resolution for adoption; seconded by Councilman Lenart:

(RESOLUTION NO. 85 OF 2020)

RESOLVED, that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the Organizational meeting held January 2, 2020 and the Regular meeting of January 8, 2020 and does further waive the reading of the same.

Upon roll call, the Board members voted as follows:

Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Councilman Messa	-	ABSENT
Supervisor Miscione	-	Aye

The Resolution was declared unanimously carried and duly **ADOPTED**.

Solar Law- ZONING:

The Town Attorney presented proposed revisions to the Town's Zoning Law on solar power.

After discussion, Councilman Reynolds recommended that the Town Board pursue the proposed revisions and schedule a public hearing sometime in April 2020. Further discussion continued and the Town Supervisor identified three (3) sites that could accommodate larger scale solar operations, Middle Settlement Road (NYS Route 5B), the Town's Sherrillbrook Park and the Washington Mills Athletic Park (soccer fields). The Town Clerk requested a copy of the proposed legislation and the Town Attorney responded that he had given the proposal to the Director of Personnel. Councilman Reynolds moved the adoption of the following Resolution; seconded by Councilman Lenart:

(RESOLUTION NO. 86 OF 2020)

RESOLVED that the Town Board pursue an amendment to the Town Zoning law on the section dealing with solar power as proposed by Town Attorney Cully submitted proposed/revised legislation to amend the Zoning Ordinance to include changes in the Solar Law Ordinance subject to a Public Hearing in April 2020.

Upon roll call, the Board members voted as follows:

Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Councilman Messa	-	ABSENT
Supervisor Miscione	-	Aye.

The Resolution was declared unanimously carried and duly **ADOPTED**.

Local Law Introductory “A” of 2020 – Solar Law

Thereafter, Councilman Reynolds introduced the following legislation for the Town Board’s consideration at a future Public Hearing; co-sponsored by Councilman Lenart:

Town of New Hartford, New York
Local Law Introductory “A” of 2020

A Local Law to Amend the Code of the Town of New Hartford, Chapter 118 thereof entitled ZONING, (COPY IN AS SCHEDULE A).

SEQR – Local Law Introductory “A” of 2020:

Councilman Reynolds moved and Councilman Lenart seconded

RESOLUTION NO. 87 OF 2020)

RESOLVED that the Town Board of the Town of New Hartford does hereby declare itself as Lead Agency in the matter of Local Law Introductory “A” of 2020, a Zone Map Amendment initiated by the Town Board and the Town Attorney in accordance with Chapter 118, Zoning, of the Town Code,

FURTHER RESOLVED that the Town Board does hereby authorize and direct the Town Clerk to refer said Local Law Introductory “A” to the Oneida County Planning Department and to the Town Planning Board for their review and recommendation in accordance with General Municipal Law and the Town Zoning Law, and to refer said matter to all interested and/or involved agencies for SEQR review.

Upon roll call, the Town Board voted as follows:

Councilman Messa	-	ABSENT
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Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

The Supervisor declared the Resolution unanimously carried and duly **ADOPTED**. [NOTE: A public hearing will be scheduled once the Town receives responses from the Town Planning Board, County Planning Department and interested/involved agencies under SEQR.]

Stormwater Management Discussion:

Councilman Reynolds is requesting guidance for underground stormwater retention/detention for new construction; proposal from the Engineers to be reviewed by the Town Board.

Washington Mills Athletic Park Rehab:

Councilman Reynolds introduced the following Resolution for adoption; seconded by Councilman Lenart:

(RESOLUTION NO. 88 OF 2020)

RESOLVED that the New Hartford Town Board does hereby authorize the rehabilitation of the first baseball/softball field in the Washington Mills Athletic Park in the amount of \$12,000 from the General Wholetown Fund balance to the Parks & Rec Contractual and said project is to be completed by spring 2020. (Highway Superintendent Sherman stated this filed is on the FEMA list for reimbursements).

Upon roll call, the Board members voted as follows:

Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Councilman Messa	-	ABSENT
Supervisor Miscione	-	Aye.

The Resolution was declared unanimously carried and duly **ADOPTED**.

Transfer Funds:

Councilman Reynolds introduced the following Resolution for adoption; seconded by Councilman Lenart:

(RESOLUTION NO. 89 OF 2020)

RESOLVED that the New Hartford Town Board does hereby authorize the fund balance transfer in the amount of \$12,000 from the General Wholetown Fund balance to the Parks & Rec Contractual rehabilitation for the rehabilitation of the first baseball/softball field in the

Washington Mills Athletic Park and said project is to be completed by spring 2020. (Highway Superintendent Sherman stated this filed is on the FEMA list for reimbursements).

Upon roll call, the Board members voted as follows:

Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Councilman Messa	-	ABSENT
Supervisor Miscione	-	Aye.

The Resolution was declared unanimously carried and duly ***ADOPTED***.

Food Trucks – SherrillBrook Park:

Councilman Woodland stated the Farmers Market & Food Trucks will be starting on June 2, 2020.

Farmers Market Fees Waived-2020:

Councilman Woodland introduced the following Resolution for adoption; seconded by Councilman Lenart:

(RESOLUTION NO. 90 OF 2020)

RESOLVED that the New Hartford Town Board does hereby authorize all fees for the Farmers Markets to be waived in the Sherrill Brook Park for the 2020 season.

Upon roll call, the Board members voted as follows:

Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Councilman Messa	-	ABSENT
Supervisor Miscione	-	Aye.

The Resolution was declared unanimously carried and duly ***ADOPTED***.

EXECUTIVE SESSION

Councilman Woodland introduced the following Resolution for adoption and Councilman Reynolds seconded same:

(RESOLUTION NO. 91 OF 2020)

RESOLVED, that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss the Parks Union Contract.

A roll call vote ensued:

Councilman Messa	-	ABSENT
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

Thereafter, the Resolution was declared unanimously carried and duly **ADOPTED**. All persons present, including the news media and Department Heads, were then excused from the meeting at 6:27 P.M. The Town Attorney and Deputy Supervisor remained for the Executive Session.

END OF EXECUTIVE SESSION

Councilman Woodland then offered the following Resolution for adoption and Councilman Reynolds seconded same:

(RESOLUTION NO. 92 OF 2020)

RESOLVED that the New Hartford Town Board does hereby move to end its Executive Session and to reconvene the regular portion of the Town Board meeting.

The Board members voted upon roll call that resulted as follows:

Councilman Messa	-	ABSENT
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

The Supervisor declared the Resolution unanimously carried and duly **ADOPTED**; the Executive Session ended at 6:26 P.M. The regular portion of the Town Board meeting was immediately reconvened and the public re-invited to the meeting.

Union Contract – Parks:

Councilman Reynolds introduced the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 93 OF 2020)

RESOLVED that the New Hartford Town Board does hereby authorize Supervisor Miscione to sign the Participation Agreement for the Parks Union Contract with Teamsters Council Health and Hospital Fund effective January 1, 2020 through January 1, 2022.

Upon roll call, the Board members voted as follows:

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Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Councilman Messa	-	ABSENT
Supervisor Miscione	-	Aye.

The Resolution was declared unanimously carried and duly ***ADOPTED***.

ADJOURNMENT:

There being no further business to come before the Board, upon motion of Councilman Reynolds and seconded by Councilman Woodland, the meeting was adjourned at 6:30 P.M.

Respectfully submitted,
Melody K. Fancett, Deputy Clerk 1

Edited by Cheryl A. Jassak-Huther
Interim Town Clerk
5/25/2021